

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2014-18
Petition of Dunkin Donuts
951 Worcester Street

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WELLESLEY MA 02482
2014 MAY 28 A 10:11

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 20, 2014 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BIKE REALTY, LLC requesting modification of an existing Special Permit pursuant to the provisions of Section III, Section XI, Section XIVE and Section XXV of the Zoning Bylaw to continue to allow its premises at 951 WORCESTER STREET, in a Business District, a Residence A District and a Water Supply Protection District, to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District. The Petitioner is requesting that the condition restricting the menu be removed.

On February 6, 2014, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Joe Murray, Bike Realty, LLC (the "Petitioner"), and Jesse Johnson, Project Manager.

The Board said that drive-through traffic may increase if the restrictions are lifted from the menu. The Board said that, in granting Site Plan Approval, the Board will retain jurisdiction to see how it works for a year.

There was no present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 951 Worcester Street, in a Business District, on a 12, 259 square foot lot and is owned by Bike Realty LLC.

The Petitioner is requesting modification of an existing Special Permit pursuant to the provisions of Section III, Section XI, Section XIVE and Section XXV of the Zoning Bylaw to continue to allow its premises at 951 Worcester Street, in a Business District, a Residence A District and a Water Supply Protection District, to be used for a drive-through window where business is transacted from the vehicles of customers or patrons, which is a use not allowed by right in a Business District. The Petitioner is requesting that the condition restricting the menu be removed.

The width of the drive-through lane is 9 feet at its most narrow point, and 13 vehicle queuing spaces have been provided.

Existing Conditions/Demolition Plan and Parking Plan, dated 2/2014, revised 4/1/14, prepared by Jesse M. Johnson, P.E., were submitted.

On March 13, 2014, the Planning Board reviewed the petition and submitted a recommendation.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The use of a drive-through window in a Business District requires a Special Permit, as it is a use not allowed by right in a Business District.

It is the opinion of this Authority that the Petitioner has complied with all of the Special Permit Use Standards enumerated in Section XXV of the Zoning Bylaw. Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the use of a drive-through window, subject to the following condition:

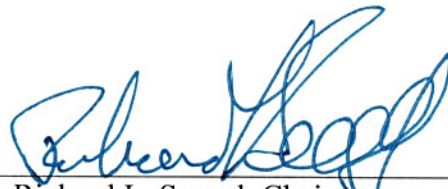
1. This Special Permit shall expire one year from the date time stamped on this decision.

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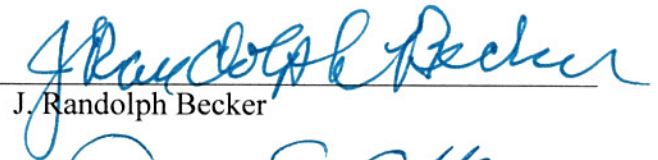
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm